

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

TRUDY MORRIS,	:	Case No. 3:17-cv-318
	:	
Plaintiff,	:	Judge Thomas M. Rose
	:	Magistrate Judge Michael R. Merz
v.	:	
	:	
PINES PET CEMETERY, INC.,	:	ORDER GRANTING PLAINTIFF'S
	:	MOTION FOR DEFAULT JUDGMENT
	:	AND DAMAGES PURSUANT TO
Defendant.	:	<u>RULE 55(B)(2)</u>

Plaintiff, Trudy Morris, filed this action on September 13, 2017. (Doc. 1). The complaint alleged violations of ERISA and FLSA, tort claims, retaliation and improper wage withholding under Ohio statutory law.

Defendant, Pines Pet Cemetery, Inc., was properly served with the summons and complaint on September 29, 2017 (Doc. 5), and has not appeared or otherwise plead. The clerk entered default against Defendant on November 16, 2017. (Doc. 7). Pending before this Court is the Plaintiff's Motion for Default Judgment and Damages Pursuant to Rule 55(b)(2). The motion is supported by Plaintiff's affidavit detailing the basis for her request for damages and the affidavit of Plaintiff's attorney Jeffrey M. Silverstein regarding the amount sought for attorney's fees.

The Court finds that the record before the Court, including Plaintiff's written motion, her complaint and the attached exhibits are sufficient to determine the amount of damages that should be awarded to Plaintiff. Plaintiff is entitled to recover unpaid wages in the amount of \$12,141.82, calculated by determining wages due and not paid. The Court finds that Plaintiff's request for attorney's fees of \$7,327.50 and costs of \$502.80, as detailed in the affidavit of

Jeffrey M. Silverstein, is both reasonable and that the fees are within the ranges of fees routinely awarded in this district.

The Court also concludes that Plaintiff should be awarded liquidated damages in the amount equal to the amount of unpaid wages due to Defendant's willful violations of the FLSA, ERISA and Ohio statutes.

The Court further awards punitive damages in the amount roughly equivalent to triple Plaintiff's economic damages in the sum of \$36,425.46.

For all of the foregoing reasons, the Court hereby enters judgment in favor of Plaintiff, Trudy Morris, and against Defendant, Pines Pet Cemetery, Inc., in the total amount of \$68,539.40.

IT IS SO ORDERED

s/Thomas M. Rose

Judge Thomas M. Rose

Date: April 19, 2018